

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
BUNSMANN, Winfried et al.

Art Unit: To Be Assigned

Appl. No. 10/573,690

Examiner: To Be Assigned

International Filing Date:

Attorney Docket: 07130.0008.PCUS00

September 17, 2004

For: Motor Vehicle with a Hatchback
and Opening Roof Part

Confirmation No. 7142

**Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States
Designated /Elected Office (DO/EO/US)**

Mail Stop Missing Parts

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the **Notification of Missing Requirements**, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

- ☒ Petition for Extension of Time under 37 C.F.R. § 1.136 (PTO/SB/22);
- ☒ Copy of the Notice to File Missing Parts;
- ☒ A Combined Declaration and Power of Attorney, executed by the inventor;
- ☒ Transmittal Form (PTO/SB/21);
- ☒ Return postcard; and
- ☒ Fee Transmittal form (PTO/SB/17) to cover:

04/05/2007 MKAYPAGH 00000102 083038 10573690

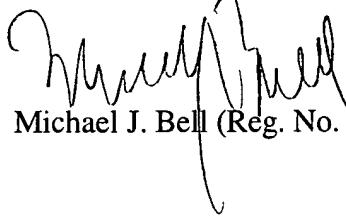
01 FC:1617 130.00 DA

\$ 130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16)
\$ 1,020.00 3 months extension fee (37 C.F.R. 1.136 (a))

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 07130.0008.PCUS00. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise

provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038 referencing the above docket number. *A duplicate copy of this Response is enclosed.*

Respectfully submitted,



Michael J. Bell (Reg. No. 39,604)

Date: April 3, 2007

HOWREY LLP

Box No. 7

2941 Fairview Park Drive,

Falls Church, VA. 22042-9922

(202) 383-6500 (ph)

(703) 336-6950 (fax)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|-------------------|
| 10/573,690 | Winfried Bunsmann | 07130.0008.PCUS00 |

| INTERNATIONAL APPLICATION NO. |
|-------------------------------|
| PCT/DE04/02086 |

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
| 09/17/2004 | 09/30/2003 |

Michael J. Bell
 Howrey, LLP
 2941 Fairview Park Drive
 Box 7
 Falls Church, VA 22042

CONFIRMATION NO. 7142

371 FORMALITIES LETTER



OC000000021169039

Date Mailed: 11/09/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/27/2006
- English Translation of the IA filed on 03/27/2006
- Copy of the International Search Report filed on 03/27/2006
- Copy of IPE Report filed on 03/27/2006
- Copy of Annexes to the IPE filed on 03/27/2006
- English Translation of Annexes to the IPE filed on 03/27/2006
- U.S. Basic National Fees filed on 03/27/2006
- Priority Documents filed on 03/27/2006
- Specification filed on 03/27/2006
- Claims filed on 03/27/2006
- Abstracts filed on 03/27/2006
- Drawings filed on 03/27/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

Docketed

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VIRGINIA L IRBY

Telephone: (709) 308-4940

PART 1 - ATTORNEY/APPLICANT COPY

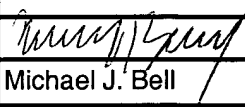
| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|-------------------|
| 10/573,690 | PCT/DE04/02086 | 07130.0008.PCUS00 |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|--|------------------------|--------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/573,690 |
| | Filing Date I.A. | September 17, 2004 |
| | First Named Inventor | Bunsmann |
| | Art Unit | TBA |
| | Examiner Name | TBA |
| Total Number of Pages in This Submission | Attorney Docket Number | 07130.0008.PCUS00 |

| ENCLOSURES (Check all that apply) | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Combined Declaration and Power of Attorney; Return Postcard |
| <div style="border: 1px solid black; padding: 2px;">Remarks</div> | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | Howrey LLP | | |
| Signature |  | | |
| Printed name | Michael J. Bell | | |
| Date | April 3, 2007 | Reg. No. | 39,604 |

CERTIFICATE OF TRANSMISSION/MAILING

| | | | |
|---|--|------|--|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Signature | | | |
| Typed or printed name | | Date | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

| | | | | | | | | | | | | | | | |
|---|--------------------|---|--|--------------------|------------|-------------|--------------------|----------------------|------------------|---------------|-----|----------|-----|---------------------|-------------------|
| <p><i>Effective on 12/08/2004.</i> <i>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</i></p> <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 2005</h3> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> | | <p>Complete If Known</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/573,690</td> </tr> <tr> <td>Filing Date</td> <td>September 17, 2004</td> </tr> <tr> <td>First Named Inventor</td> <td>Bunsmann, et al.</td> </tr> <tr> <td>Examiner Name</td> <td>TBA</td> </tr> <tr> <td>Art Unit</td> <td>TBA</td> </tr> <tr> <td>Attorney Docket No.</td> <td>07130.0008.PCUS00</td> </tr> </table> | | Application Number | 10/573,690 | Filing Date | September 17, 2004 | First Named Inventor | Bunsmann, et al. | Examiner Name | TBA | Art Unit | TBA | Attorney Docket No. | 07130.0008.PCUS00 |
| Application Number | 10/573,690 | | | | | | | | | | | | | | |
| Filing Date | September 17, 2004 | | | | | | | | | | | | | | |
| First Named Inventor | Bunsmann, et al. | | | | | | | | | | | | | | |
| Examiner Name | TBA | | | | | | | | | | | | | | |
| Art Unit | TBA | | | | | | | | | | | | | | |
| Attorney Docket No. | 07130.0008.PCUS00 | | | | | | | | | | | | | | |
| TOTAL AMOUNT OF PAYMENT | (\$1150.00) | | | | | | | | | | | | | | |

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify): _____

☒ Deposit Account
 Deposit Account Number: 08-3038
 Deposit Account Name: Howrey Simon Arnolds & White
 Customer No. 22930

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, **except for the filing fee**
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17
 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Small Entity | |
|--|--------------|----------|
| | Fee (\$) | Fee (\$) |
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

Total Claims - 20 or HP = _____ x _____ = _____
 HP = highest number of total claims paid for, if greater than 20

Indep. Claims - 3 or HP = _____ x _____ = _____
 HP = highest number of independent claims paid for, if greater than 3

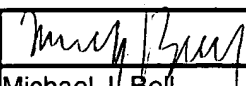
3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|---------------------|--------------|--|----------|---------------|
| _____ - 100 = _____ | /50= _____ | (round up to a whole number) x _____ | = _____ | |

4. OTHER FEE(S)

| Fee Description | Fee Paid (\$) |
|--|------------------|
| Non-English Specification, \$130 fee (no small entity discount) | |
| Other (e.g., late filing surcharge): <u>Late Filing Surcharge (\$130 Decl); 3 months extension (\$1,020)</u> | <u>\$1150.00</u> |

| | | | |
|---------------------|---|--|-------------------------------|
| SUBMITTED BY | | | |
| Signature |  | Registration No. <u>39,604</u> (Attorney/Agent) | Telephone <u>202-783-0800</u> |
| Name (Print/Type) | <u>Michael J. Bell</u> | Date <u>April 3, 2007</u> | |